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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/837,752	04/17/2001	James D. Bennett	P93-00-AC	8896
7590	09/25/2006		EXAMINER	
James Buch Engate Incorporated 1302 E. Forest Avenue Wheaton, IL 60187				KNEPPER, DAVID D
		ART UNIT		PAPER NUMBER
		2626		

DATE MAILED: 09/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/837,752	BENNETT ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	David D. Knepper	2626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 30 June 2006.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 11 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____.                                     |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____.   | 6) <input type="checkbox"/> Other: _____.                         |

1. Applicant's correspondence filed on 30 June 2006 which includes an Amendment and Request for Continued Examination (RCE) has been received and considered. Claim 11 is pending. Claims 1-10 have been canceled.

An amendment submitted with the RCE received 30 June 2006 does not contain the allowed claim 11 submitted 3 March 2006 but instead amends claim 11 to an older version, previously rejected. Vague reference is made to a pending court case and to a "related patent" without identifying the patent or any information relevant to the instant application.

The claim submitted was finally rejected on 2 November 2005 and therefore, must be finally rejected now. The applicant is referred to the 5<sup>th</sup> Office Action mailed 2 November 2005 for arguments in addition to those below which are repeated from the Office Action mailed 20 May 2005 which originally rejected the submitted claim.

### Claims

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim 11 is rejected under 35 U.S.C. § 103 as being unpatentable over Stentiford

(5,384,701) in view of Toma (4,706,212).

Claim 11 is taught or suggested by Stentiford's figure 1:

“receiving into a transcription system, in real-time, representations of words spoken in a first language, during a testimonial proceeding, without requiring confirmation of said representations” (his speech input 3 and also alternative input: text in first language 5);

“converting, in real-time, said representations to text” (his speech recognition 4 – see also col. 7, line 41 where speech-to-text);

“translating...the text in the first language to text in a second language (taught by his translating phrases from a first language into a second language, col. 1, lines 52-53); and

“communicating the text in the second language to a terminal for real-time display” (suggested by his alternative text output in second language 12, fig. 1 – since he also teaches audible output via speech synthesis as an alternative, it is considered inherent with his inclusion of a standard computer such as the IBM PC XT (col. 2, line 40) that the text output would be a visual display of said text – he explicitly teaches the use of first and second terminals to provide two way communication in column 6, lines 41-53 and also his text output 8 and output 10, col. 2, lines 53-58).

It is noted that Stentiford does not explicitly teach that his translation system is operating “during a testimonial proceeding”. However, he clearly recognizes the usefulness of translation systems as an aid for professional translations... and as a needed improvement for ‘real-time’ speech operation (col. 1, lines 33-50). This background and summary indicates that it he desires

his language translation system to be used for professional applications requiring real-time operation. Thus, it would be obvious to use his device in any situation requiring a professional translation in real-time to include a “testimonial proceeding.”

It is also noted that Stentiford does not explicitly teach the negative limitation “without requiring confirmation of said representation”. However, Stentiford clearly teaches in column 1 lines 38-65 that “real-time” processing is desirable and that the only reason he suggests input confirmation is to improve accuracy by giving the user a chance to make corrections (col. 1, line 68-col., line 3). Toma teaches that it is well known to perform translation automatically from a source language into a target language (col. 3, lines 26-28) because he invented a method using linguistic information yielding great accuracy which is a great improvement over previous systems’ failures (see his Background cols. 1-2 and Summary, especially col. 3, line 60-col. 7). Therefore, it would have been obvious to improve the translation method of Stentiford with an automatic translation method using improved linguistic information such as Toma’s because Toma teaches that his method will automatically produce accurate translations without the need for manual corrections.

**4. THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

**Remarks**

5. The applicant's invention requires constant input by a person but Stentiford only requires confirmation of each phrase. That is, while Stentiford teaches that it is obvious to utilize text input, he also teaches that automatic speech recognition could be used thereby significantly reducing the keystrokes required by a typist or stenographer. Stentiford allows for speech recognition, which obviates the need for manual input for "converting, in real-time, said representations to text". Thus, Stentiford's system would be much faster than the applicant's, depending on how many words are contained in each phrase as it is spoken.

A secondary reference (Toma) is utilized to show that it is well known to perform translation automatically "without requiring confirmation". Both Toma and Stentiford teach language translation systems so are related improvements in the same field of invention.

6. Some correspondence may be submitted electronically. See the Office's Internet Web site <http://www.uspto.gov> for additional information.

Please address mail to be delivered by the United States Postal Service (USPS) as follows:

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**The Central fax number is 571-273-8300.** Please label INFORMAL" or "DRAFT" communications accordingly.

Mail Stop should be omitted if none is indicated.

Effective 14 January 2005, except correspondence for Maintenance Fees, Deposit Accounts (see 37 CFR 1.25(c)(4)), and Licensing and Review )see 37 CFR 5.1(c) and 5.2(c)), please address correspondence delivered by other delivery services (i.e. – Federal Express (Fed Ex), UPS, DHL, Laser, Action, Purolater, etc.) as follows:

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Alexandria, VA 22314

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David D. Knepper whose telephone number is (571) 272-7607.

The examiner can normally be reached on Monday-Thursday from 07:30 a.m.-6:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Hudspeth, can be reached on (571) 272-7843.

For the Group 2600 receptionist or customer service call (571) 272-2600.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Inquiries regarding the status of submissions relating to an application or questions on the Private PAIR system should be directed to the Electronic Business Center (EBC) at 866-217-9197 (toll-free) between the hours of 6 a.m. and midnight Monday through Friday EST, or by email at [ebc@uspto.gov](mailto:ebc@uspto.gov). For general information about the PAIR system, see <http://pair-direct.uspto.gov>.



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